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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,054	06/05/2002	Yoshiyuki Nakano	086142-0514	2115
22428	7590	07/01/2004	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			HAYES, BRET C	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,054

Applicant(s)

NAKANO ET AL.

Examiner

Bret C Hayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,9-11,13-15 and 17 is/are rejected.
- 7) ☒ Claim(s) 4,7,8,12,16 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1 and 14 are objected to because of the following informalities: lines 6 and 9, respectively, "the shock absorbing member" should be --the shock absorbing mechanism--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, 6, 9 – 11, 13 – 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,753,322 to Föhl in view of 4,669,354 to Lucy.
4. Re – claim 1, Föhl discloses a seat belt device comprising a pre-tensioner, see Fig. 10, for example, for tensioning a seatbelt 36 by moving a member 2 connected to the seatbelt 36; and a shock absorbing mechanism 17 – 19, for absorbing shock resulting from stopping the movement of the member 2 wherein the shock absorbing mechanism includes a compressible member 17. However, Föhl does not disclose the shock absorbing mechanism including two compressible members, the second compressible member surrounding the first compressible member.
5. Lucy teaches a shock absorbing mechanism 10 including two compressible members 38a and 33a, or 38b and 33b, the second member 33a surrounding the first member 38a in the analogous art of ONE SHOT EXPLOSION ACTUATED EXPANSIBLE CHAMBER TYPE MOTOR / Having shock absorbing, damping or slow down means for working member for the

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purpose of absorbing shock in a mechanical release actuator. In this case, member **38a** is hermetically sealed air, as set forth at col. 4, line 40, and surrounded by member **33a**.

Hermetically sealed air **38a** must be compressed during the compression of member **33a**.

6. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Föhl to include two compressible members as taught by Lucy in order to absorb shock.

7. Re – claim 3, Föhl discloses the claimed invention except for the two compressible members include accordion folds.

8. Lucy further teaches the two compressible members include accordion folds for the same purpose stated above. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Föhl to include the accordion folds as taught by Lucy in order to absorb shock.

9. Re – claim 5, Föhl in view of Lucy discloses the claimed invention including the compressible member **33a** configured to begin compressing immediately upon movement.

10. Re – claim 6, Föhl in view of Lucy discloses the claimed invention as applied to claim 5 above including the first member **38a** being configured to begin compressing after the second member has undergone a predetermined amount of compression.

11. Re – claims 9 and 10, Föhl in view of Lucy discloses the member **2** connected to the seatbelt **36** comprising a buckle and a lap anchor. It would be inherent in a seatbelt to include a buckle and a lap anchor.

12. Re – claim 11, Föhl discloses a wire **3** connected to the member **2** and connected to the pre-tensioner **30, 32, 34**.

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13. Re – claims 13 and 14, Föhl in view of Lucy as applied to claims 1, 3, 5, 6 and 9 – 11 above discloses the claimed invention.

14. Re – claim 15, Föhl discloses the shock absorbing mechanism 17 – 19, limiting the movement of member 2.

15. Re – claim 17, see claim 3 above.

Allowable Subject Matter

16. Claims 4, 7, 8, 12, 16 and 18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither discloses nor fairly teaches the claimed combination including the first compressible member including a compressible portion and a rigid portion.

18. This statement is not intended to necessarily state all the reasons for allowance or all the details why the claims are allowed and has not been written to specifically or impliedly state that all the reasons for allowance are set forth (MPEP 1302.14).

Response to Arguments

19. Applicant's arguments with respect to claims 1 and 3 – 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

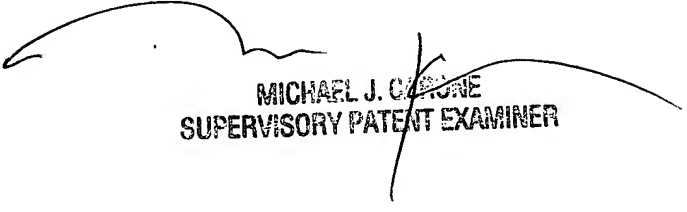
Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (703) 306 – 0553. The examiner can normally be reached Monday through Friday from 5:30 am to 3:00 pm, Eastern Standard Time.

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If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached at (703) 306 – 4198. The fax number is (703) 872 – 9306.

bh

6/24/04



MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER